



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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P.R.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/595,136	06/16/00	ELLENBERGER K	MLR206

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13 FOREST DRIVE  
WARREN NJ 07059

PM82/0723

EXAMINER  
RODRIGUEZ, J

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 07/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/595,136

Applicant(s)

ELLENBERGER ET AL.

Examiner

Joseph C Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with nonsensical English terms and with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "concerns and apparatus" (p.2) and "the in each case" (p. 4-18).
2. As a result, a substitute specification including the claims is required pursuant to 37 CFR 1.125(a). A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 and 18-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claims 1 and 10-12, the use of the language "can be" renders the claims indefinite. Claim limitations must be positively recited.
6. Regarding claim 4, the language "each case" renders the claim nonsensical.
7. Regarding claims 9, 21 and 27, the use of the language "and/or" in conjunction with a double negative sentence renders the claims indefinite. The language "and/or" renders the limitations of the claims unclear, especially when used in multiple situations, such as in claims 9 and 12 and in claims 21 and 27, and in combination with a double negative.
8. Regarding claim 12, the language "can be such flipped open" renders the claim nonsensical and indefinite.
9. Regarding claims 18-22, each claim ends with a ";" thus the scope of the claims are unclear.
10. Regarding claim 28, the language "only jointly be flipped closed the flap floors" and "within each the funnel" is nonsensical and indefinite.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 8 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wortman et al. ("Wortman") which discloses a system and method for sorting laundry comprising a supply device (Fig. 1, el. 20), a recognition device (el. 34), collection devices (el. 114, 116, 118, 120, 122 and 124), transport devices (i.e., bands) (el. 36 and 50), a data processing plant (el. 42), and a register device which sends signals to the plant (el. 54, col. 5, ln. 10-27), whereby each laundry piece is sorted based on the recognition device and associated control signals to a specific collection bin (Id.).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wortman in view of what is well known in the art.

15. Wortman, as discussed above, teaches all that is claimed except for explicitly teaching, inter alia, multiple sensors (i.e., register devices) associated with each collection bin, multiple drop bottom feed bins, and a plurality of fluid jets for ejecting the laundry.

16. Here, it is important to note that Wortman reads on the essence of Applicant's invention and that Applicant's additional limitations are well known in the laundry sorting art. For instance, Burson teaches the use an air jet for sorting linens (Fig. 1) and Aiuola further teaches that air jets are well-suited for handling delicate articles such as laundry (col. 1, ln. 5-55). Weiss explicitly teaches the use of predisposed sensors for each receiving station to better coordinate the release of each article (Abstract) and it is also well known in the sorting arts to use redundant sensors to ensure that an apparatus is functioning properly. Further, Lane (el. E) and Rydell (Fig. 1) teach the use of flap floor bins (i.e., funnels) that monitor laundry characteristics such as weight and volume to regulate the inflow of laundry (Abstract). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Wortman as is well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is 703-308-8342. The examiner can normally be reached on M-F during business hours, with alternate Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is 703-306-4195.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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July 17, 2001

  
DONALD R. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600